Section 44809 (The New Recreational Drone Laws)

New Laws: Section 349 & 350 of the FAA regulations for "Recreational Pilots".

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Comparison of the FAA Reauthorization Act of 2018 Major Changes :

Before	Now
Notice to airport manager and to tower if there is a tower.	Need authorization prior to flying in B, C, D, or E2 airspace.
No test.	Need to pass a test and keep proof.
FPV racing was NOT considered lawful at one point and then uncertain until the FAA published their withdrawal.	FPV racing is permissible if the co-located visual observer keeps his eyes on the drone racing.
No altitude restriction	400 feet above ground level for G Airspace. B, C, D, and E2 airspace will be whatever the UASFM will allow.
Not clear if Section 336 prevented the FAA from applying preexisting flight restriction regulations that had not been used for decades to model aircraft. This is one of the issues raised in one of the Taylor v. FAA cases the court did not address in their ruling. Basically, were the manned aircraft regulations that existed for years also the recreational drone laws?	Must comply with airspace flight restrictions.

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FAA TO CREATE KNOWLEDGE AND SAFETY TEST FOR RECREATIONAL FLYERS:

> *(g) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—*
>
> *(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based organizations, shall develop an aeronautical knowledge and safety test, which can then be **administered electronically** by the Administrator, a **community-based organization**, or a **person designated by the Administrator**.*
>
> *(2) REQUIREMENTS.—The Administrator shall ensure the aeronautical knowledge and safety test is designed to adequately demonstrate an operator's—*
>
> *(A) understanding of **aeronautical safety knowledge**; and*
>
> *(B) knowledge of **Federal Aviation Administration regulations** and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.*

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GENERAL LIMITATIONS:

(a) IN GENERAL.—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

(1) The aircraft is flown strictly for recreational purposes.

(2) The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

*(3) The aircraft is flown within the visual line of sight of the person operating the aircraft **or** a visual observer colocated **and** in direct communication with the operator.*

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

*(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator **obtains** prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.*

*(6) In Class G airspace, the aircraft is flown from the surface to **not** more than 400 feet above ground level and complies with all airspace **restrictions and prohibitions**.*

*(7) The operator has **passed** an **aeronautical knowledge and safety test** described in subsection (g) and maintains **proof of test passage** to be made available to the Administrator or law enforcement upon request.*

*(8) The aircraft is **registered** and **marked** in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.*

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COMMUNITY-BASED ORGANIZATION DEFINED:

(h) COMMUNITY-BASED ORGANIZATION DEFINED.—In this section, the term 'community-based organization' means a membership based association entity that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

(2) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

(3) the mission of which is demonstrably the furtherance of model aviation;

*(4) provides a **comprehensive set of safety guidelines** for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodelling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;*

*(5) provides **programming and support** for any local charter organizations, affiliates, or clubs; and*

*(6) provides **assistance and support** in the development and operation of locally designated model aircraft flying sites.*

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USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTITUTIONS OF HIGHER EDUCATION:

(a) EDUCATIONAL AND RESEARCH PURPOSES.—For the purposes of section 44809 of title 49, United States Code, as added by this Act, a ''recreational purpose'' as distinguished in subsection (a)(1) of such section shall include an unmanned aircraft system operated by an institution of higher education for educational or research purposes.

(b) UPDATES.—In updating an operational parameter under subsection (d)(1) of such section for unmanned aircraft systems operated by an institution of higher education for educational or research purposes, the Administrator shall consider—

(1) use of small unmanned aircraft systems and operations at an accredited institution of higher education, for educational or research purposes, as a component of the institution's curricula or research;

(2) the development of streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education; and

(3) the airspace and aircraft operators that may be affected by such operations at the institution of higher education.

(c) DEADLINE FOR ESTABLISHMENT OF PROCEDURES AND STANDARDS.—Not later than 270 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of unmanned aircraft systems operated by institutions of higher education for educational or research purposes.

(d) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given to that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) EDUCATIONAL OR RESEARCH PURPOSES.—The term ''education or research purposes'', with respect to the operation of an unmanned aircraft system by an institution of higher education, includes—

(A) instruction of students at the institution;

(B) academic or research related uses of unmanned aircraft systems that have been approved by the institution, including Federal research;

(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

(D) other academic activities approved by the institution.

(e) STATUTORY CONSTRUCTION.—

(1) ENFORCEMENT.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

(2) REGULATIONS AND STANDARDS.—Nothing in this section prohibits the Administrator from promulgating any rules or standards consistent with maintaining the safety and security of the national airspace system.

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Actual Leaked Text of New Hobby Drone Law PowerPoint Pages

FAA Reauthorization Bill

Recreational Flyers

Old Law (2012 FAA Bill – Section 336)

- Recreational/Hobbyist/Modeler required to notify tower if flying within 5 miles of the airport.
- ATC could not approve operation – only accept notification.
- ATC could deny operations for safety reasons.

Section 44809 (The New Recreational Drone Laws)

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FAA Reauthorization Bill

Recreational Flyers

NEW LAW (2018 FAA Bill – Section 349)

- Hobbyst UAS now called Limited Recreational Flyers
- FAA Air Traffic facilities will no longer accept requests for recreational flyers to operate controlled airspace.
- Controlled Airspace Access:
  - **At fixed sites** (commonly referred to as flying fields) Have an established agreement with the FAA
  - Site locations published at http://uas-aa.opendata.arcgis.com/
  - Operations only authorized up to the **altitudes indicated on the UAS facility map (UASFM)**

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FAA Reauthorization Bill

Recreational Flyers

Controlled Airspace Access Continued

- Operations only between sunrise and sunset local time
- Site must be made known to the facility
- Impacted air traffic control facility may disapprove, terminate, restricted, or delay UAS flight operations covered by this authorization at any time
- This authorization will be effective on 17 May 2019

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ATC Facility Instructions

What do I do if I get a call from a RECREATIONAL, HOBBYIST, OR MODELER wanting to fly in my airspace?

- Inform the caller that due to a recent change in the law, authorization is required to fly in controlled airspace and will no longer be given by ATC over the phone. The authorization can be found at www.faa.gov/uas.
- Inform the caller that they can find areas where they are allowed to fly by visiting www.faa.gov/uas.
- Refer any additional questions from sUAS operator to the Advisory Circular 91-57B or www.faa.gov/uas.

AGAIN – STARTING MAY 17th – NO MORE HOBBYIST/MODELER NOTIFICATION CALLS TO THE TOWER

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How will Recreational Users Know About These New Procedures?

Recreational Flyers can find information on these changes and operating procedures under the new law:

Section 44809 (The New Recreational Drone Laws)

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